

HOUSE No. 3621

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to establish delay penalties in highway construction projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	2nd Hampshire
Mary E. Grant	6th Essex
Bruce E. Tarr	First Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3248 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ESTABLISH DELAY PENALTIES IN HIGHWAY CONSTRUCTION PROJECTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 81 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by
2 adding the following section: -

3 SECTION 33. The department may establish and impose a reasonable penalty for unreasonable delays in
4 right-of-way excavation, obstruction, patching, or restoration by the contractor, subcontractor, or utility
5 involved in the construction, repair or improvement of public ways under the provisions of chapter
6 eighty-one or chapter eighty-four. The delay penalty will be specified in advance by the department and
7 said penalty may be levied daily as long as the delay continues. A delay penalty will not be imposed if the
8 delay in project completion is due to circumstances beyond the control of the contractor, subcontractor, or
9 utility, including without limitation, inclement weather, acts of God, or civil strife.